

HON. KYMBERLY K. EVANSON

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

DAVID THEM,

Plaintiff,

vs.

MKS INSTRUMENTS, INC., a  
Massachusetts corporation,

Defendant.

CAUSE NO. 3:23-cv-05694-KKE

STIPULATED MOTION AND ORDER  
TO DISMISS WITH PREJUDICE

**I. STIPULATION**

Pursuant to Federal Rule of Civil Procedure 41, it is hereby stipulated and agreed by Plaintiff David Them and by Defendant MKS Instruments, Inc., by and through their undersigned attorneys, that this action shall be dismissed with prejudice and without an award of attorneys' fees or costs to any party.

IT IS SO STIPULATED THROUGH COUNSEL OF RECORD.

DATED this 13<sup>th</sup> day of September, 2024.

GORDON REES SCULLY MANSUKHANI, LLP

Stipulated Motion and Order to Dismiss  
No. 3:23-cv-05694-KKE  
Page 1 of 2

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10 *Attorneys for Defendant*

11 DATED this 13<sup>th</sup> day of September, 2024.

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19 *Attorney for Plaintiff*

20 **II. ORDER**

21 PURSUANT TO STIPULATION, IT IS SO ORDERED.

22 Dated this 16th day of September 2024.

23 

24 Kymberly K. Evanson  
25 United States District Judge